

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

TACOMA RAIL,	)	DOCKET NO. TR-040347
)	
Petitioner,	)	ORDER NO. 01
)	
v.	)	ORDER GRANTING IN PART AND
	)	DENYING IN PART A PETITION TO
THE WASHINGTON STATE	)	TEMPORARILY CHANGE THE
DEPARTMENT OF	)	METHOD OF TRAFFIC CONTROL
TRANSPORTATION,	)	AT A RAILROAD-HIGHWAY
	)	GRADE CROSSING
Respondent.)	
	)	USDOT: 396749K
	)	WUTC: 20H 47.20
.....)	

BACKGROUND

- 1 On February 2, 2004, Tacoma Rail filed a petition with the Commission, seeking approval to temporarily change the method of traffic control at a railroad-highway grade crossing. Specifically, Petitioner seeks approval a currently used stop and proceed procedure that includes flagging procedures when the signals at the crossing fail. Petitioner also seeks approval for continued night train movements, and for employees to flag from vehicles. Commission Staff requests that reporting and job briefing requirements be imposed as a result of information learned from an accident investigation at another crossing.
- 2 The crossing is located at the intersection of the Petitioner’s tracks and Tilley Road (SR-121), in the NW ¼ of the SW ¼ of Section 2, Township 16N, Range 2W, W.M., in Thurston County, Washington.
- 3 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.

- 4 In the vicinity of the crossing, Tilley Road is a state highway, with one lane for each direction of traffic and a vehicle speed limit of 50 mph. Average daily traffic through the crossing is estimated at 2,400 vehicles.
- 5 The warning systems at the crossing consist of flashing signals. Advance warning signs and crossbucks are also in place. Train traffic is sporadic.
- 6 The circuitry for the flashing signals has deteriorated to the point where a train must stop before entering the crossing, and the crew must ensure the signals are working and traffic has stopped before the train can proceed through the crossing.
- 7 On June 2, 2003, a car hit a train that was moving through a crossing maintained by Petitioner. A Staff investigation revealed that safety could be improved by standardizing traffic control procedures wherever flagging procedures need to be used. Recommendations were agreed upon by Commission Staff and Tacoma Rail except for using vehicles as flagging platforms. Tacoma Rail's request for its employees to flag from vehicles should be denied.
- 8 The recommended procedures at the crossing are necessary only until the signal system is upgraded and new signals and gates are installed. In January of 2003, the Washington State Department of Transportation approved a request by Commission Staff and the Petitioner to fund the necessary improvements at the crossing as part of a larger proposal to rehabilitate all of the crossings on the same rail line that are in need of signal improvements. Funds for the improvements will be made available through the Federal highway-grade crossing improvement program (section 130 program). It is expected that the signals will be operational by fall of 2004.

FINDINGS AND CONCLUSIONS

- 9 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*
- 10 (2) The Tilley Road grade crossing, identified as USDOT 396749K, is a public railroad-highway grade crossing within the state of Washington.
- 11 (3) RCW 81.53.261 requires that the Commission grant approval prior to making changes in the method and manner of traffic control at public railroad-highway grade crossings within the state of Washington.
- 12 (4) Commission Staff investigated the petition and recommended that it be granted in part, subject to specified conditions.
- 13 (5) This matter was brought before the Commission at its regularly scheduled meeting on March 12, 2004.
- 14 (6) After examination of the petition filed by Tacoma Rail on February 2, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition on the conditions recommended by Staff except to deny the request to allow flagging from vehicles.

ORDER

THE COMMISSION ORDERS:

- 15 The petition of Tacoma Rail to temporarily change the method of traffic control at a public railroad-highway grade crossing, located at the intersection of Tilley Road and the Petitioner's tracks, in Thurston County, Washington, is granted as follows:

- (1) The tracks through the crossing may be used at any time.
- (2) Each train must stop before entering the crossing. The train may proceed through the crossing only after the crew ensures that the flashing lights are working and all approaching traffic has stopped. If the flashing lights are not working, a railroad employee shall flag highway traffic to a stop. The train may proceed through the crossing only when the flagger determines that it is safe to do so.
- (3) Flaggers shall communicate with the train crew by radio or cell phone.
- (4) A flagger shall wear a hard hat and reflective vest or other reflective outerwear.
- (5) Flaggers shall use STOP/STOP paddles to flag traffic. Fuseses shall be placed on both sides of the crossing at night or conditions of poor visibility.
- (6) If a uniformed police officer flags the crossing, the train need not stop; however, train crews must confirm that prior arrangements have been made with a police officer to flag the crossing and that he or she is present at the crossing.
- (7) Tacoma Rail must issue instructions or orders to all train crews using the crossing, listing the traffic control procedures to be used at the crossing.
- (8) The railroad shall develop a report that details the procedures for the crossing. The report shall be maintained in each locomotive that operates over the crossing.
- (9) Job briefings shall include the proper procedures for using the crossing if the train will cross it. An operations supervisor will

also review the applicable bulletin and general order with the crew during the briefing and document the review.

- (10) Tacoma Rail shall notify Commission Staff each day whether trains operated by any railroad will run across the crossing. The requirement may be fulfilled by Tacoma Rail informing Staff of all areas trains will operate on the Mountain Division during a particular day. Notification shall include whether a train move will occur during nighttime hours.
- (11) Tacoma Rail General Orders and Bulletins affected by the order are not approved except to the extent that they comply with the order. Nothing in the order eliminates the requirements of 49 CFR 234 regarding known rusty rail problems.
- (12) All trains using the crossing must be operated by a certified locomotive engineer that is qualified to operate over the track involved for the subject train moves, pursuant to CFR 240, "Qualification and Certification of Locomotive Engineers."
- (13) Tacoma Rail is responsible for ensuring that all railroads that use the crossing comply with the requirements of this order.

DATED at Olympia, Washington, and effective this 12th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner